UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,360	09/14/2000	James P. Hickey	10004339-1	9255

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EXAMINER
LIN, WEN TAI

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/661,360	HICKEY ET AL.
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>7/12/2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9-15* is/are allowed.

6)☒ Claim(s) *1-8, 16 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17 are presented for examination.

2.   Claims 9-15 are allowable.

3.   The text of those sections of Title 35, USC code not included in this action can

be found in the prior Office Action.

4.   Claims 1 and 16-17 are objected to because it is unclear what is the distinction

between the managing and non-managing computers. Specifically, the claim languages

require that any one of the managing and non-managing computers can be the

requesting computer for downloading event data from any of the managed computers.

However, **a requesting computer** that can use the log manager file to perform

diagnostic or troubleshooting activities **is by its very nature a managing computer.**

Thus, even though Applicant intends to set a limitation that any computer in the network

can download event data from any other computer, the context that defines a requesting

computer further blurs the difference between the so called managing and non-

managing computers, and in fact indicates that they are functionally the same.

Claim Rejections - 35 USC § 103

5.   Claims 1-8 and 16-17 are rejected under 35 U.S.C. 103(a) as being anticipated

by Ote et al. [U.S. Pat. No. 6199180].

6.   Ote was cited in the previous office action.

7.   As to claim 1, Ote teaches the invention as claimed including: a method for

logging event data from at least one peripheral device [col.7, lines 21-50; e.g., a disk is

being monitored for any reportable error] operatively connected in a network to a server

[col.1, lines 8-23; 161, Fig.1A; i.e., the network OS function as server] using a log

manager device driver, the logged event data comprising a log manager file having

events of the type which related to performance and fault such as errors and warnings

[12113, Fig. 5A; 5054-5055, Fig.11; col.7, lines 21-50] that can be used to perform

network diagnostics and troubleshooting [17, 19, Fig.1A; col.4, lines 46-67], said

method comprising the steps of:

- registering said log manager device driver with said server to receive all

    incoming event data from the computers or at least one peripheral device

    and as a device driver for said log manager file [col.7, lines 21-61; note that

    both the agent 17 and the SVP driver 19 must be registered with the OS

    otherwise these two modules won't be recognized by the OS] ;

- receiving said event data by said log manager device driver [col.7, lines 31-

  35]; and

- responding to a download request for event data from any requesting one of

  said plurality of computers by said log manager device driver, so that said

  requesting computer can use said log manager file to perform diagnostic or

  troubleshooting activities [col.7, line 62- col.8, line 7; note that in a network

  environment (such as Internet) a server is nominally accessible to any

  requesting computer via a public line (see, e.g., Ote: col.1, lines 8-24 and

  Fig.6)],

wherein any of the computers (including managing and non-managing

computer) that are interconnected in a network can be the requesting computer

[e.g., Fig.4 and col.2, lines 38-47; note that the remote computers that do not

connect to the managed computer through a fault monitoring extend board is

termed herein as "non-managing" computers (see e.g. the computers at the

upper right of Fig.4 or the one connected through the LAN), while those directly

connected to the fault monitoring extend board are termed herein as "managing

computers" because the latter has capability of handling critical faults].

Ote does not specifically teach that the logged events are of the type relating to

completion, connections, processes, terminations and status changes. However, it is

obvious that these detailed events are related to the category of either performance or

software/hardware faults. It would have been obvious to one of ordinary skill in the art

that Ote's event log may include a widely selected events including those as claimed

because Ote teaches that the management system is designed for monitoring and

controlling fault and performance of a plurality of computers.

8.   As to claim 2, Ote further teaches that said receiving step further comprising the

steps of:

> - waiting for event data from said at least one application program or said at
>
> least one peripheral device by said log manager device driver; and sending event
>
> data to said log manager device driver by said at least one application program
>
> or said at least one peripheral device [col. 7, lines 51-61].

9.   As to claims 16-17, since the features of these claims can also be found in

claims 1-2, they are rejected for the same reasons set forth in the rejection of claims 1-2

above.

10.   As to claim 3, Ote further teaches that said method further comprising the step

of saving said event data in an event recorder by said log manager device driver [col.7,

lines 31-35 and 51-61].

Ote does not specifically teach that the event is stored in a queue. However,

storing critical events in a queue is well known in the art and it is an obvious option for

Ote's collected events to be stored in a queue because by doing so the events can be

retrieved in accordance with its occurring sequence.

11.   As to claim 4, Ote further teach deleting an oldest event data from said event

queue to make available space for new event data when said event queue is full by said

log manager device driver [col.7, lines 35-41].

12.   As to claim 5, Ote further teaches that said method further comprising the step

of:

-   sending a download request for log manager file to said server by said

    requesting computer;

-   determining whether said server received said download request by said

    requesting computer and opening said log manager file from said log

    manager device driver if said server received said download request by said

    server [Fig.9]; and

-   returning and displaying an error message if said server did not receive said

    download request by said requesting computer [5055, Fig.11].

13.   As to claim 6, Ote TT the returning step further comprising the step of displaying

said error message to the user of said requesting computer by said requesting

computer [col.7, lines 44-50].

14.   As to claims 7-8, Ote further teaches that said opening step further comprising

the steps of:

- determining, by said server, whether said log manager file was successfully

opened from said log manager device driver;

- returning an error message to said requesting computer when said log

manager file was not successfully opened by said server; and

- reading said event data stored in said event queue when said log manager

file was successfully opened by said server.

[5033, Fig.9; col.5, line 46- col.6, line 5; i.e., in critical situations when access of

the event data could not be attained via the OS, access of such data is still

made possible by the direct connection to the SVP board].

15.   Applicant's arguments with respect to claims 1-8 and 16-17 on 7/12/2005 have

been considered but they are not deemed to be persuasive.

16.   In the remarks applicant argues that:

1. Ote's system only engages a local managing computer (e.g., 23, Fig.1A) and

a remote managing computer (e.g., 27, Fig. 1B), instead of a plurality of

computers including managing and non-managing computers and having the

capability of using the event data to perform diagnostic or troubleshooting

activities.

17.   The examiner respectfully disagrees:

As to point 1: Although the distinction between "managing computers" and "non-managing computers" are self explanatory, the claim languages about a requesting computer further blurs the distinction. That is, **a requesting computer** that can use the log manager file to perform diagnostic or troubleshooting activities **is by its very nature a managing computer.** Thus, unless pointed out by Applicant any example or description in the specification about the difference between them, the prior art rejection maintains that Ote reads on the claims because Ote's "managing computers" could be further categorized by their capability of handling critical faults.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-

3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571)272-3964. The fax phone

numbers for the organization where this application or proceeding is assigned are as

follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

September 6, 2005